

S.B. CIVIL WRIT PETITION NO. 5520/2003
Gemper Ram Vs. State of Raj. & Ors.

DATE OF ORDER :: 28.3.2007

HON'BLE MR. GOVIND MATHUR, J.

Mr. V.R. Choudhary, for the petitioner.
Mrs. R.R. Kanwar, Addl. Govt. Advocate.

An appointment was accorded to the petitioner as Shiksha Sahayogi under an order dated 16.7.2001 passed by the Gram Sewak cum Officiating Secretary, Gram Panchayat - Jamba, Panchayat Samiti - Bap Distt. Jodhpur. In the order of appointment the qualification of the petitioner is shown as Higher Secondary ITI. In petition for writ it is averred by the petitioner that he possess Higher Secondary School Examination Certificate with a training certificate in Tailoring. The respondents by an order dated 1.9.2003 terminated the petitioner from service being not possessing the requisite eligibility to hold a post of Shiksha Sahayogi. It is the position admitted that for making appointment to the post of Shiksha Sahayogi an incumbent is required to possess a Senior Secondary School Examination Certificate with the qualification of Basic School Training Certificate or equivalent thereto. The petitioner admittedly does not possess Basic School Training Certificate or a qualification equivalent thereto.

The contention of counsel for the petitioner while giving challenge to the order of termination dated 1.9.2003 is that the same was passed in violation of principles of natural justice.

I do not find any force in the contention so made as even on asking by the court the counsel for the petitioner failed to satisfy as to how the petitioner possess a qualification to hold the post of Shiksha Sahayogi. The petitioner admittedly lack eligibility to hold the post then there was no need to give any kind of notice while discontinuing him from service, specially looking to the fact that there is no provision to relax the qualification desired for appointment on the post concerned.

In the totality of the facts and circumstances of the case, I am of the considered opinion that the petitioner was rightly discontinued from service being not possessing the requisite qualification. The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

J.Goyal